
By: **Delegate Klausmeier**
Introduced and read first time: February 13, 1998
Assigned to: Ways and Means

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 27, 1998

CHAPTER _____

1 AN ACT concerning

2 **The Maryland School for the Blind - Board of ~~Trustees~~ Directors, Funding,**
3 **and Services**

4 FOR the purpose of providing that ~~the~~ The Maryland School for the Blind shall be
5 governed by a certain Board of ~~Trustees~~ Directors; providing for the membership
6 of the Board of ~~Trustees~~ Directors; providing for the term of a member of the
7 Board of Trustees; providing for the manner in which certain vacancies on the
8 Board of Directors shall be filled; requiring ~~the~~ The Maryland School for the
9 Blind to establish and operate a program of enhanced services for blind students
10 who have other severe disabilities; providing for the placement of students in
11 the enhanced program; requiring the State and certain counties under certain
12 circumstances to share in paying the costs of the program; requiring ~~the School~~
13 The Maryland School for the Blind and the Department of Education to enter
14 into a written agreement regarding certain monitoring of ~~the School~~ The
15 Maryland School for the Blind by the Department and certain assistance from
16 the Department to ~~the School~~ The Maryland School for the Blind; authorizing
17 certain agreements between ~~the School~~ The Maryland School for the Blind and
18 certain other agencies; defining certain terms; establishing a formula to
19 calculate certain mandatory annual funding obligations for the State; requiring
20 the Governor to include certain details in the Budget; including ~~the~~ The
21 Maryland School for the Blind among entities for which the Governor may not
22 reduce appropriations; providing that The Maryland School for the Blind is a
23 public body for certain purposes; requiring the Department of Education to
24 submit certain reports to the budget committees; and generally relating to ~~the~~
25 The Maryland School for the Blind.

26 BY adding to
27 Article - Education

1 Section 8-314 through ~~8-317~~ 8-318
2 Annotated Code of Maryland
3 (1997 Replacement Volume and 1997 Supplement)

4 BY repealing and reenacting, without amendments,
5 Article - Education
6 Section 8-415(d)(1)
7 Annotated Code of Maryland
8 (1997 Replacement Volume and 1997 Supplement)

9 BY repealing and reenacting, with amendments,
10 Article - State Finance and Procurement
11 Section 7-213(b)
12 Annotated Code of Maryland
13 (1995 Replacement Volume and 1997 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - State Government
16 Section 10-502(h)
17 Annotated Code of Maryland
18 (1995 Replacement Volume and 1997 Supplement)

19 Preamble

20 WHEREAS, The Maryland School for the Blind provides an essential service for
21 some blind children in the State; and

22 WHEREAS, A minimum level of funding is necessary to cover the costs of
23 inflation and enrollment growth and to ensure adequate maintenance of the School's
24 existing programs; and

25 WHEREAS, Education programs and other services to the School's students
26 should not be reduced or disrupted during the school year as a result of mid-year
27 appropriation reductions; and

28 WHEREAS, There is a need to expand the educational options in Maryland for
29 students who have other severe disabilities; and

30 WHEREAS, The Maryland Department of Education has the responsibility to
31 monitor the programs provided by the School; now, therefore,

32 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
33 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Education

2 8-314.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
4 INDICATED.

5 (2) "BOARD" MEANS THE BOARD OF ~~TRUSTEES~~ DIRECTORS OF THE
6 MARYLAND SCHOOL FOR THE BLIND.

7 (3) "SUPERINTENDENT" MEANS THE STATE SUPERINTENDENT OF
8 SCHOOLS.

9 (B) THE MARYLAND SCHOOL FOR THE BLIND, A BODY CORPORATE OF THE
10 STATE THE CHARTER OF WHICH WAS ESTABLISHED ON MAY 19, 1853, SHALL BE
11 GOVERNED BY THE BOARD.

12 (C) (1) THE BOARD CONSISTS OF 25 MEMBERS.

13 (2) ~~(A)~~ OF THE 25 MEMBERS OF THE BOARD:

14 ~~1.~~ (I) 5 SUBJECT TO CONFIRMATION BY THE SENATE OF
15 MARYLAND, FIVE MEMBERS, INCLUDING ONE MEMBER OF THE SENATE OF
16 MARYLAND AND ONE MEMBER OF THE MARYLAND HOUSE OF DELEGATES, SHALL BE
17 APPOINTED JOINTLY BY THE GOVERNOR AND THE SUPERINTENDENT, WITH
18 RECOMMENDATIONS FROM THE CHAIRMAN OF THE BOARD; AND

19 ~~2.~~ (II) 20 MEMBERS SHALL BE APPOINTED BY THE
20 MEMBERS OF THE BOARD APPOINTED UNDER ITEM 1 OF THIS SUBPARAGRAPH,
21 SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH ELECTED ACCORDING TO THE
22 CHARTER AND BYLAWS OF THE MARYLAND SCHOOL FOR THE BLIND.

23 ~~(H) 1.~~ THE 5 MEMBERS APPOINTED JOINTLY BY THE GOVERNOR
24 AND THE SUPERINTENDENT SHALL DEVELOP WRITTEN CRITERIA FOR THE
25 APPOINTMENT OF THE OTHER 20 BOARD MEMBERS AND ENSURE THAT THE WRITTEN
26 CRITERIA IS APPROVED BY THE SUPERINTENDENT.

27 ~~2.~~ THE SELECTION OF THE 20 BOARD MEMBERS BY THE 5
28 MEMBERS SHALL BE GOVERNED BY THE WRITTEN CRITERIA REQUIRED UNDER ITEM
29 1 OF THIS SUBPARAGRAPH BY THE SUPERINTENDENT.

30 (3) (I) THE TERM OF A MEMBER IS 3 YEARS.

31 (II) ~~AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE~~
32 ~~UNTIL A SUCCESSOR IS SELECTED.~~

33 ~~(H)~~ NO MEMBER OF THE BOARD APPOINTED AFTER JUNE 1, 1999,
34 EXCEPT THE CHAIRMAN, MAY BE REAPPOINTED FOR MORE THAN 4 TWO ADDITIONAL
35 TERM TERMS.

1 ~~(IV)~~ (III) A MEMBER WHO IS APPOINTED AFTER A TERM HAS
2 BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS
3 APPOINTED.

4 ~~(V)~~ (IV) ANY VACANCY SHALL BE FILLED IN THE SAME MANNER
5 IN WHICH THE VACATING MEMBER WAS APPOINTED.

6 8-315.

7 (A) THE MARYLAND SCHOOL FOR THE BLIND SHALL ESTABLISH AND
8 OPERATE A PROGRAM OF ENHANCED SERVICES FOR BLIND STUDENTS WHO HAVE
9 OTHER SEVERE DISABILITIES.

10 (B) THE MARYLAND SCHOOL FOR THE BLIND SHALL INCLUDE A DESCRIPTION
11 OF THE PROGRAM IN THE WRITTEN AGREEMENT WITH THE DEPARTMENT OF
12 EDUCATION REQUIRED UNDER § 8-316 OF THIS SUBTITLE.

13 (C) THE COSTS OF PROVIDING ENHANCED SERVICES TO A CHILD UNDER THE
14 PROGRAM SHALL BE ~~PAID TO THE SCHOOL AND BE PROVIDED JOINTLY SHARED BY~~
15 THE STATE AND BY THE COUNTY IN WHICH THE CHILD IS DOMICILED AS PROVIDED
16 IN SUBSECTION (D) OF THIS SECTION.

17 (D) (1) ~~THE CHILD SHALL BE JOINTLY PLACED IN THE ENHANCED~~
18 ~~PROGRAM, IN ACCORDANCE WITH PROCEDURES FOR STUDENTS WITH DISABILITIES,~~
19 ~~BY THE LOCAL SCHOOL SYSTEM AND THE MARYLAND SCHOOL FOR THE BLIND.~~

20 (I) SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS
21 PARAGRAPH, THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND SCHOOL
22 FOR THE BLIND, SHALL DETERMINE ON AN INDIVIDUAL BASIS THOSE STUDENTS
23 WHO ARE ELIGIBLE FOR THE ENHANCED PROGRAM DESCRIBED IN THIS SECTION.

24 (II) STUDENTS SERVED IN THE ENHANCED PROGRAM SHALL BE
25 STUDENTS WHO ARE AT RISK OF REQUIRING NONPUBLIC PLACEMENT IN AN
26 OUT-OF-STATE SPECIAL EDUCATION FACILITY, INCLUDING STUDENTS WHO ARE
27 BLIND/DEAF OR STUDENTS WITH OTHER SEVERE AND MULTIPLE DISABILITIES.

28 (III) FOR FISCAL YEAR 1999, THE NUMBER OF STUDENTS ENROLLED
29 IN THE ENHANCED PROGRAM SHALL NOT EXCEED 20 MARYLAND STUDENTS.

30 (2) (I) THE COUNTY IN WHICH A CHILD PLACED IN THE ENHANCED
31 PROGRAM IS DOMICILED SHALL PAY THE LOCAL SHARE OF THE "BASIC COST", AS
32 DEFINED IN § 8-415(D)(1) OF THIS TITLE, OF THE EDUCATION FOR THAT CHILD.

33 (II) A COUNTY WHICH PAYS THE LOCAL SHARE OF THE "BASIC
34 COST" AS PROVIDED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL NOT PAY THE
35 TUITION REQUIRED IN § 8-310 OF THIS TITLE.

36 (3) ~~THE STATE SHALL PAY THE REMAINING COST OF PROVIDING~~
37 ~~SERVICES UNDER THE PROGRAM TO THE CHILD~~

1 (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE
2 STATE SHALL PAY THE COST OF SERVING A STUDENT IN THE ENHANCED PROGRAM
3 BASED ON AN INDIVIDUAL COST SHEET COMPLETED BY THE DEPARTMENT FOR
4 EACH STUDENT ENROLLED IN THE PROGRAM.

5 (II) FOR FISCAL YEAR 1999, THE STATE'S SHARE OF THE TOTAL
6 COST OF THE ENHANCED PROGRAM SHALL NOT EXCEED \$750,000.

7 8-316.

8 (A) THE DEPARTMENT OF EDUCATION AND THE MARYLAND SCHOOL FOR THE
9 BLIND SHALL ENTER INTO A WRITTEN AGREEMENT.

10 (B) THE AGREEMENT SHALL PROVIDE FOR MONITORING AND REVIEW BY THE
11 DEPARTMENT OF THE MARYLAND SCHOOL FOR THE BLIND, INCLUDING:

12 (1) REVIEW BY THE DEPARTMENT OF THE ANNUAL BUDGET APPROVED
13 BY THE BOARD OF THE MARYLAND SCHOOL FOR THE BLIND;

14 (2) MONITORING BY THE DEPARTMENT OF THE MARYLAND SCHOOL FOR
15 THE BLIND'S PROGRAM OF ENHANCED SERVICES FOR BLIND STUDENTS WHO HAVE
16 SEVERE DISABILITIES, INCLUDING THE CRITERIA APPROVED BY THE BOARD OF THE
17 MARYLAND SCHOOL FOR THE BLIND FOR THE ADMISSION OF STUDENTS TO THE
18 PROGRAM;

19 (3) CONSULTATION BETWEEN THE DEPARTMENT AND THE MARYLAND
20 SCHOOL FOR THE BLIND ON ISSUES OF BLIND EDUCATION;

21 (4) ASSISTANCE FROM THE DEPARTMENT IN DEVELOPING
22 AGREEMENTS BETWEEN THE MARYLAND SCHOOL FOR THE BLIND AND LOCAL
23 SCHOOL SYSTEMS AND OTHER STATE AND LOCAL AGENCIES FOR PROVISION OF
24 SERVICES TO BLIND CHILDREN; AND

25 (5) MONITORING BY AND ASSISTANCE FROM THE DEPARTMENT
26 REGARDING OTHER ASPECTS OF THE MARYLAND SCHOOL FOR THE BLIND'S
27 EDUCATIONAL PROGRAM AND SERVICES TO BLIND CHILDREN AS REQUIRED BY
28 FEDERAL OR STATE LAW.

29 (C) (1) THE MARYLAND SCHOOL FOR THE BLIND MAY ENTER INTO WRITTEN
30 AGREEMENTS WITH STATE AND LOCAL AGENCIES, INCLUDING LOCAL SCHOOL
31 SYSTEMS, FOR THE PURPOSE OF PROVIDING SERVICES TO BLIND CHILDREN.

32 (2) THIS SUBSECTION IN NO WAY ABROGATES THE OBLIGATION OF THE
33 LOCAL SCHOOL SYSTEMS TO PROVIDE ALTERNATIVE PROGRAMS FOR BLIND
34 STUDENTS.

35 8-317.

36 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
37 INDICATED.

1 (2) "4-YEAR AVERAGE ANNUAL FULL-TIME EQUIVALENT ENROLLMENT"
2 MEANS:

3 (I) THE AVERAGE NUMBER OF STUDENTS ENROLLED ANNUALLY
4 IN GRADES PREKINDERGARTEN THROUGH GRADE 12 AT THE MARYLAND SCHOOL
5 FOR THE BLIND DURING 4 CONSECUTIVE SCHOOL YEARS AS DETERMINED BY
6 DIVIDING THE AGGREGATE MONTHLY ENROLLMENT DURING THE 4-YEAR PERIOD BY
7 THE NUMBER OF MONTHS SCHOOL IS IN SESSION DURING THE 4-YEAR PERIOD; AND

8 (II) ONE-HALF THE AVERAGE NUMBER OF CHILDREN SERVED
9 ANNUALLY BY THE MARYLAND SCHOOL FOR THE BLIND'S EARLY INTERVENTION
10 PROGRAM DURING 4 CONSECUTIVE SCHOOL YEARS AS DETERMINED BY DIVIDING
11 THE PROGRAM'S AGGREGATE MONTHLY ENROLLMENT DURING THE 4-YEAR PERIOD
12 BY THE NUMBER OF MONTHS SCHOOL IS IN SESSION DURING THE 4-YEAR PERIOD.

13 (3) "GROWTH IN THE PER PUPIL BASIC CURRENT EXPENSE FIGURE"
14 MEANS THE CHANGE IN THE PER PUPIL BASIC CURRENT EXPENSE FIGURE FROM
15 THE PRIOR FISCAL YEAR TO THE CURRENT FISCAL YEAR DIVIDED BY THE PER PUPIL
16 BASIC CURRENT EXPENSE FIGURE FROM THE PRIOR FISCAL YEAR.

17 (4) "PER PUPIL BASIC CURRENT EXPENSE FIGURE" MEANS THE FIGURE
18 CALCULATED FOR EACH FISCAL YEAR BY THE DEPARTMENT IN ACCORDANCE WITH §
19 5-202 OF THIS ARTICLE.

20 (5) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, "PRIOR
21 YEAR APPROPRIATION" MEANS THE STATE APPROPRIATION TO THE MARYLAND
22 SCHOOL FOR THE BLIND IN THE PRIOR FISCAL YEAR LESS ANY FUNDING PROVIDED
23 UNDER § 8-315 OF THIS SUBTITLE IN THE PRIOR FISCAL YEAR.

24 ~~(5)~~ (6) "WEIGHTED ENROLLMENT GROWTH" MEANS THE PRODUCT OF
25 0.2 TIMES THE CHANGE IN THE 4-YEAR AVERAGE ANNUAL FULL-TIME EQUIVALENT
26 ENROLLMENT FROM THE 3RD THROUGH THE 6TH PRIOR SCHOOL YEARS TO THE 2ND
27 THROUGH THE 5TH PRIOR SCHOOL YEARS DIVIDED BY THE 4-YEAR AVERAGE
28 ANNUAL FULL-TIME EQUIVALENT ENROLLMENT FROM THE 3RD THROUGH THE 6TH
29 PRIOR SCHOOL YEARS.

30 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE
31 MARYLAND SCHOOL FOR THE BLIND SHALL RECEIVE AN APPROPRIATION EQUAL TO
32 OR GREATER THAN THE SUM OF:

33 (1) 75% OF THE PRIOR YEAR APPROPRIATION MULTIPLIED BY THE
34 PRODUCT OF:

35 (I) THE SUM OF THE WEIGHTED ENROLLMENT GROWTH PLUS
36 ONE; AND

37 (II) THE SUM OF THE GROWTH IN THE PER PUPIL BASIC CURRENT
38 EXPENSE FIGURE PLUS ONE; AND

1 (2) 25% OF THE PRIOR YEAR APPROPRIATION MULTIPLIED BY THE SUM
2 OF THE WEIGHTED ENROLLMENT GROWTH PLUS ONE.

3 (C) ~~PRIOR BASE YEAR SHALL BE THE APPROPRIATION FOR FISCAL YEAR 1999~~
4 ~~PLUS \$1,300,000 THE "PRIOR YEAR APPROPRIATION" USED TO CALCULATE THE FISCAL~~
5 ~~YEAR 2000 APPROPRIATION TO THE MARYLAND SCHOOL FOR THE BLIND SHALL BE~~
6 ~~\$11,585,436.~~

7 8-318.

8 FOR INFORMATION PURPOSES, THE BUDGET SUBMITTED BY THE GOVERNOR TO
9 THE GENERAL ASSEMBLY SHALL INCLUDE A DETAILED ACCOUNT OF THE
10 OPERATING AND ADMINISTRATIVE BUDGET FOR THE MARYLAND SCHOOL FOR THE
11 BLIND, WHICH SHALL INCLUDE A COMPLETE LIST OF REVENUE SOURCES AND
12 EXPENDITURES FOR:

13 (1) SALARIES, WAGES, AND FRINGE BENEFITS;

14 (2) TECHNICAL AND SPECIAL FEES;

15 (3) COMMUNICATIONS;

16 (4) TRAVEL;

17 (5) CONTRACTUAL SERVICES;

18 (6) SUPPLIES AND MATERIALS;

19 (7) EQUIPMENT;

20 (8) FIXED CHARGES; AND

21 (9) OTHER EXPENSES.

22 8-415.

23 (d) (1) In this subsection, "basic cost" as to each county, means the average
24 amount spent by the county from county, State, and federal sources for the public
25 education of a nonhandicapped child. "Basic cost" does not include amounts
26 specifically allocated and spent for identifiable compensatory programs for
27 disadvantaged children.

28 **Article - State Finance and Procurement**

29 7-213.

30 (b) (1) The Governor may not reduce an appropriation to the Legislative
31 Branch or the Judicial Branch of the State government.

32 (2) The Governor may not reduce an appropriation for:

- 1 (i) payment of the principal of or interest on the State debt;
- 2 (ii) public schools, including the Maryland School for the Deaf AND
3 THE MARYLAND SCHOOL FOR THE BLIND; or
- 4 (iii) the salary of a public officer, during the term of office.
- 5 (3) Except as provided in § 8-109 of the State Personnel and Pensions
6 Article, the Governor may not reduce an appropriation for the salary of any
7 nontemporary employee in the State Personnel Management System.

8 **Article - State Government**

9 10-502.

- 10 (h) (1) "Public body" means an entity that:
- 11 (i) consists of at least 2 individuals; and
- 12 (ii) is created by:
- 13 1. the Maryland Constitution;
- 14 2. a State statute;
- 15 3. a county charter;
- 16 4. an ordinance;
- 17 5. a rule, resolution, or bylaw;
- 18 6. an executive order of the Governor; or
- 19 7. an executive order of the chief executive authority of a
20 political subdivision of the State.
- 21 (2) "Public body" includes:
- 22 (I) any multimember board, commission, or committee appointed
23 by the Governor or the chief executive authority of a political subdivision of the State,
24 if the entity includes in its membership at least 2 individuals not employed by the
25 State or a political subdivision of the State; AND
- 26 (II) THE MARYLAND SCHOOL FOR THE BLIND.
- 27 (3) "Public body" does not include:
- 28 (i) any single member entity;
- 29 (ii) any judicial nominating commission;

- 1 (iii) any grand jury;
- 2 (iv) any petit jury;
- 3 (v) the Appalachian States Low Level Radioactive Waste
4 Commission established in § 7-302 of the Environment Article;
- 5 (vi) except when a court is exercising rulemaking power, any court
6 established in accordance with Article IV of the Maryland Constitution;
- 7 (vii) the Governor's cabinet, the Governor's Executive Council as
8 provided in Title 8, Subtitle 1 of the State Government Article, or any committee of
9 the Executive Council;
- 10 (viii) a local government's counterpart to the Governor's cabinet,
11 Executive Council, or any committee of the counterpart of the Executive Council;
- 12 (ix) the governing body of a hospital as defined in § 19-301(f) of the
13 Health - General Article; and
- 14 (x) a self-insurance pool that is established in accordance with
15 Title 19, Subtitle 6 of the Insurance Article or § 9-404 of the Labor and Employment
16 Article by:
- 17 1. a public entity, as defined in § 19-602 of the Insurance
18 Article; or
- 19 2. a county or municipal corporation, as defined in § 9-404 of
20 the Labor and Employment Article.

21 SECTION 2. AND BE IT FURTHER ENACTED, That:

22 (a) The provisions of this Act relating to the formula for determining annual
23 appropriations for ~~the~~ The Maryland School for the Blind may not be implemented
24 until the fiscal year beginning on July 1, 1999.

25 (b) The provisions of this Act created in § 8-315 of the Education Article
26 relating to funding for the program of enhanced services for blind students who have
27 severe disabilities shall be implemented for the fiscal year beginning on July 1, 1998.

28 SECTION 3. AND BE IT FURTHER ENACTED, That:

29 (a) ~~Any person who is a member of the Board of Trustees when this Act~~
30 ~~becomes effective shall continue to serve on the Board of Trustees until the end of the~~
31 ~~person's term.~~

32 ~~(b)~~ Each Subject to subsection (b) of this section, each vacancy occurring after
33 the effective date of this Act shall be filled by a member appointed by the Governor
34 and the Superintendent until the total number of members appointed by the
35 Governor and Superintendent is five.

1 (b) The Governor and the Superintendent shall appoint any member of the
2 Senate of Maryland or any member of the Maryland House of Delegates who serves
3 on the Board of Directors on the effective date of this Act to fill any vacancy on the
4 Board occurring after the effective date of this Act.

5 SECTION 4. AND BE IT FURTHER ENACTED, That the State Department of
6 Education shall report to the budget committees, the House Ways and Means
7 Committee, and the Senate Finance Committee on or before September 1 of each year
8 on the number of students enrolled in the enhanced program described in § 8-315 of
9 the Education Article and the annual costs of the program. In addition, the
10 Department shall report on any anticipated enrollment growth and future costs
11 related to the enhanced program.

12 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 July 1, 1998.